

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA**

<b>ELIZABETH SINES et al.</b>	:	<b>Case No. 3:17-cv-00072</b>
Plaintiff	:	<b>Judge MOON</b>
	:	
-v-		
	:	
<b>JASON KESSLER et al.</b>	:	
	:	
Defendants		

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**DECLARATION OF JAMES E. KOLENICH**

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Mr. James E. Kolenich, having been duly cautioned, declares and states as follows:

1. This declaration is based on personal knowledge.
2. FRCP 11 requires, when presenting a pleading to the Court, that “the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.”
3. Mr. Ray has not contacted either myself or Mr. Woodard, nor have we been able to contact him, for at least fourteen weeks.
4. Accordingly, it is impossible to sign a pleading on behalf of Mr. Ray.
5. Mr. Cantwell has abandoned any reasonable attempt to defend himself in this litigation as stated in docket entries 511, 523, 531, 532, and 561. It is a futile act, and an unreasonable drain on attorney time that other clients could profit from, to sign any pleading on behalf of Mr. Cantwell.

6. I have, on the date this document was filed, provided the last known contact information for both Defendant Ray and Defendant Cantwell to the Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 25, 2019

s/ James E. Kolenich  
James E. Kolenich